

## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**17 DECEMBER 2014**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 17th December, 2014

### **PRESENT: Councillor David Wisinger (Chairman)**

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Carol Ellis, David Evans, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, David Roney, Carolyn Thomas and Owen Thomas

### **SUBSTITUTIONS:**

Councillors: im Falshaw for Alison Halford and Ron Hampson for Billy Mullin

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Clive Carver - agenda item 7.8. The Chairman exercised his discretion to allow Councillor David Mackie to speak as Local Member on agenda 7.5.

The following Councillor attended as an observer:

Councillor: Haydn Bateman

### **APOLOGY:**

Councillor: Ian Dunbar

### **IN ATTENDANCE:**

Chief Officer (Planning and Environment), Development Manager, Interim Team Leader Policy, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officer, Housing & Planning Solicitor and Committee Officer

Democracy & Governance Manager for agenda items 6, 7.1 and 7.2

## 102. **DECLARATIONS OF INTEREST**

Councillor Ray Hughes declared a personal and prejudicial interest in the following applications because he was a School Governor at Castell Alun High School:-

**Agenda item 7.2 – Outline application – Proposed re-development for the erection of 12 dwellings including demolition of existing outbuildings and creation of new access at Bank Farm, Lower Mountain Road, Penyffordd (052377)**

and

**Agenda item 7.6 – Renewal of outline planning permission 046361 to allow residential development at Former Laura Ashley Unit, Pontybodkin Hill, Leeswood (052599)**

Councillor Clive Carver declared a personal interest in the following application because he lived in a property on Overlea Drive:-

**Agenda item 7.8 – Removal of Condition No. 6 attached to Planning Permission Ref: 030805 at Overlea Drive, Hawarden (052429)**

In line with the Planning Code of Practice, the following Councillors declared that they had been contacted on more than three occasions on agenda items 6 and 7.1:-

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Carol Ellis, David Evans, Jim Falshaw, Ron Hampson, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, David Roney, Carolyn Thomas, Owen Thomas and David Wisinger

**Agenda item 6 – Planning application 052369 by Aldi Stores Limited for food store at Broughton Shopping Park**

**Agenda item 7.1 – General Matters – Full application for a foodstore (Use Class A1) and 5 three bedroom affordable houses (Use Class C3) with associated car parking, access, servicing and landscaping at Broughton Shopping Park, Broughton (052369)**

Councillor Jim Falshaw referred to agenda item 052645 (Teapot Café & Sundawn Garden Centre, Llwybr Hir, Caerwys) and said that as he had expressed a view on the application without first indicating that it was his preliminary view, he would not vote on the application. The Democracy & Governance Manager explained that Councillor Falshaw had agreed not to vote because he had predetermined his stance on the application.

103. **LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting.

104. **MINUTES**

The draft minutes of the meetings of the Committee held on 29<sup>th</sup> October and 12<sup>th</sup> November 2014 had been circulated to Members with the agenda.

29<sup>th</sup> October 2014

Councillor Owen Thomas felt that Councillor Jim Falshaw had misunderstood the proposal being voted on and that the record which indicated that Councillor Falshaw had voted for refusal of the application should be amended to a vote against refusal. The Democracy & Governance Manager explained that Councillor Falshaw had not asked to alter the way he had voted and therefore the record could not be amended.

12<sup>th</sup> November 2014

Councillor Mike Peers referred to the second paragraph on page 18 and suggested that the words "albeit in separate agenda items" be included after the word "reported" on the second line. He also suggested that the words "and on other sites in the Broughton locality" be included after the words "produced on the site" in the fourth line.

On being put to the vote, the amendments were agreed.

Councillor Jim Falshaw highlighted the fourth paragraph of minute number 94 on page 30 and explained that Councillor Clive Carver (the Local Member who had spoken at the meeting) had spoken to the Democracy & Governance Manager and Housing & Planning Solicitor on the issue. Councillor Falshaw suggested that the following words be deleted:-

"He referred to comments of a Civil Engineer with experience of drainage who had spoken at the Public Inquiry on the application and said that he gave particular weight to Condition 6."

and replaced with:-

"He referred to the Planning Inspector having introduced himself at the Public Inquiry as a Civil Engineer with experience in drainage; therefore Councillor Carver would give particular weight to his Condition 6".

The Housing & Planning Solicitor said that officers were satisfied with the proposed amendment.

On being put to the vote, the proposal to amend the minutes was CARRIED.

**RESOLVED:**

That subject to the suggested amendments, the minutes be approved as a correct record and signed by the Chairman.

105. **ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

106. **PLANNING APPLICATION 052369 BY ALDI STORES LIMITED FOR FOOD STORE AT BROUGHTON SHOPPING PARK**

The Committee considered the report of the Chief Officer (Governance) in respect of this application. Additional comments received since the preparation of the report were circulated at the meeting.

The Democracy & Governance Manager detailed the background to the report and explained that following the vote to approve the application at the November 2014 meeting, the Chief Officer (Planning and Environment) advised

that he would be seeking legal advice as he felt that the decision was a significant departure from policy. The Democracy and Governance Manager detailed the procedure as reported in paragraph 2.03 where he had considered written representations from the proposer and seconder (Councillors Mike Lowe and Richard Lloyd) and the Chief Officer (Planning and Environment). The decision of the Democracy and Governance Manager that the decision reached by the Committee on 12<sup>th</sup> November 2014 was a significant departure from policy and his reasons were detailed in paragraph 3.01. The report was therefore back before the Committee to allow them to give further consideration as to whether planning application 052369 should be granted or refused.

The Planning case officer detailed the background to the report and explained that the full application which included five affordable homes related to a site within the settlement boundary. This was the former compound site and had been allocated in the Unitary Development Plan (UDP) for housing and the adjacent site had an outline planning permission for 24 dwellings. The Council had recommended that this part be retained as green space to provide a buffer for the neighbouring residential properties but the UDP Inspector had felt that there was no reason why a residential site would not provide the same buffer. The officer referred to Technical Advice Note 1: Joint Housing Land Availability Study and stated that as at April 2013, the Council only had a 4.1 year land supply which was below the required five year supply. A recent Planning appeal for another site which was allocated for housing, but had a proposal for a petrol filling station, had been dismissed by the Inspector who concluded that the site was required for housing because of the deficiency in housing land supply. Officers considered that the same principle should be applied to this application and the recommendation was therefore one of refusal. Considerations on the retail impact of the development were reported in paragraphs 7.20 to 7.26. A Noise Assessment had been submitted with the application and had been reviewed by the Public Protection Manager. He had raised no objections to the siting of a food store subject to imposition of conditions for noise reduction measures, which would include a 2.5m high acoustic screen and a fully enclosed delivery bay, as set out in the Noise Assessment. The officer added that the existing bund around the site would be enhanced.

Mrs. J. Richards spoke against the application. She spoke of the applications at the previous meeting where it had been implied that Aldi would only develop the store in Buckley if approval was given to the store in Broughton. She said that Aldi had confirmed on 11<sup>th</sup> December 2014 the Buckley store would go ahead even if this application was refused. She referred to the number of objections received to the proposal and said that Aldi had spoken of the large amount of support on social media that they had for the proposal, but Mrs. Richards felt this could not be proved. She also spoke of the development brief for the site. There was a shortfall in the housing supply even if this application was approved and there was no reason to allow affordable housing on the site as it could be located elsewhere. Mrs. Richards said that the site was unsuitable for the proposal and would create noise disturbance and a visual impact for the neighbouring residents.

Ms. J. Gabrilatsou, the agent for the applicant, spoke in support of the application. She said that the report to the 12<sup>th</sup> November 2014 had been fully debated and discussed and the decision had been reached in spite of the fact

that the Council had a less than five year land supply. Aldi had sought other sites in the area but none had been available and officers had not recognised any. The proposal would produce a sustainable development if approval was granted. She reminded the Committee of the wider allocation for the site which was for 48 houses and that the adjacent site had outline planning permission for up to 29 houses; therefore the loss of houses would be modest if the retail store was built. Ms. Gabrilatsou said that she considered the vast majority of residents in Broughton were in support of the proposal which would provide 5 affordable homes, £6m investment to the area and bring £1m to the economy. No objections had been received to the design of the building and Ms. Gabrilatsou referred to Section 38 of the Planning and Compensation Act. She said that the material considerations had not changed since the last meeting.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the application should not be judged in a popularity contest but based on planning policy and the UDP which had been voted upon democratically and the public should be able to rely upon it for assurance. He felt that a retail store in this location was unsuitable and that Aldi had purchased the site knowing that it was allocated for housing. Residents had purchased the nearby houses on the understanding that this site would be used for housing and not for a retail development which would create noise. Councillor Bithell added that he was not against Aldi but he felt that the store could be located within the retail park. He spoke of the lack of five year land supply and referred to the challenge regarding this issue on an application later in the agenda.

In indicating that circumstances had changed since the Inspector made the decision to allocate the site for housing, Councillor Ron Hampson said that the amount of housing in Broughton had increased but the facilities to support it, such as the proposed retail store, were not in place. He felt that there was a strong economic case for the proposal as Aldi had indicated that they would also be looking to provide stores in Buckley and Connah's Quay as well as this store in Broughton. This would result in an £18m investment in Flintshire and would create 120 jobs. The store in Broughton was needed and he expressed his disappointment that the Committee had been asked to reconsider their decision to approve the application.

Councillor Mike Peers referred to the 4.1 year housing land supply that the Council had at April 2013 and said that there was sufficient housing available from windfall sites or sites already granted permission but not developed. He felt that density of sites lower than the 30 dwellings per hectare guidelines had added to the problem and said that the proposal would result in the loss of only 25 houses if this part of the application was permitted for the retail store. He drew attention to Policy HSG1 and highlighted the significant growth rate for Broughton which was a Category B settlement. He referred to the Category A settlements of Mold, Holywell and Flint which all had a lower number of houses allocated for the area. Councillor Peers commented on the Planning Policy Wales where it was noted that developments should meet society's needs which he felt this proposal would. He queried whether there was a problem with the housing allocation formula and said that there was overwhelming public demand for the store. Councillor Owen Thomas concurred and said that existing sites were not being maximised because lower density rates were being applied.

Councillor Derek Butler referred to the large amount of emails that he had received on the proposal, some polite and some offensive. He felt that Aldi had not handled the planning process well and had spent 3.5 years bombarding the public, which he was appalled at. He said that if the site was to remain as an allocation for housing, this could take the growth figure for Broughton to over 23% which was an overprovision for the area. Councillor Butler spoke of two other options for the siting of the store; one in the retail park and the other opposite the Glynne Arms public house. He commented on the support for the scheme by Bloor homes but he felt that this was a red herring as they were preparing an application for 49 houses to replace the allocation on this site. He spoke of the overwhelming public demand for the store and said that the proposal could still be called in by Welsh Government if the scheme was approved.

Councillor Richard Lloyd said that he had been contacted by the Democracy & Governance Manager following the 12<sup>th</sup> November 2014 meeting. He said that a meeting had been requested but this had been refused. He felt that it was unfair that he and Councillor Mike Lowe as proposer and seconder of the proposal had been singled out to provide their reasons of why they felt that approval was not a significant departure from policy. The reasons that had been given for approving the proposal was that there were enough houses in Broughton, there were no surplus places in the schools, residents had difficulty in getting appointments at the local doctor's surgery and the proposal would create 40 jobs.

In response, the Democracy & Governance Manager said that the meeting that Councillor Lloyd had requested was a full Committee meeting, which following consultation with the Chairman had been refused. He explained the procedure that he had followed was his normal one in such situations and he had also explained to Councillor Lloyd why he had been asked for representations.

Councillor Gareth Roberts said that approval of the application was a significant departure from policy and that the meeting would give the Committee the opportunity to reconsider its decision. He agreed that this was not the correct location for a retail store and asked how other applications for proposals other than housing on sites allocated for housing could be refused if this was permitted.

Councillor Carol Ellis said that the previous decision had been made democratically and that she would vote for approval as before. She agreed that granting permission was a departure from policy but the proposal was to meet society's needs and should be permitted as Broughton had too many houses with limited facilities.

On the issue of a call-in by Welsh Government, the Chief Officer (Planning and Environment) advised that he had just received notification [a note had been brought into the Council Chamber by an officer] that the decision would not be called-in if approval was granted at this meeting.

In response to the comments made, the officer confirmed that the Council currently had a 4.1 year land supply. She added that the same principle had been applied for this application as for the appeal decision in Connah's Quay

referred to earlier which the Inspector had dismissed so the land could be retained for housing.

The Interim Team Leader Policy said that the calculation for the land supply was based on the residual method but if the past completions method was used then the Council had a land supply in excess of five years. However, the fact that the Authority were not currently shown to have a sufficient land supply was a material consideration in the determination of the application. He reminded Members that over 800 units would need to be permitted for Flintshire County Council to achieve its five year land supply.

The Development Manager reiterated the fact that the objections were not to an Aldi store in Broughton but to the development on this site. He said that there were alternative sites available and that the lack of a five year land supply was a critical consideration. He added that most Members would be faced with proposals for development on unallocated sites within their areas at some stage and that if allocated sites for housing were given up for other development it would make it very difficult to refuse these.

Councillor Carol Ellis requested a recorded vote and was supported by the requisite five other Members.

In summing up, Councillor Chris Bithell reiterated his earlier comments that the proposal was against UDP policy and that other land was available for the siting of the store.

On being put to the vote, planning permission was granted by 13 votes to 7 with the voting being as follows:-

#### **FOR – REFUSING PLANNING PERMISSION**

Councillors: Chris Bithell, David Cox, Christine Jones, Mike Reece, Gareth Roberts, David Roney and David Wisinger

#### **AGAINST – REFUSING PLANNING PERMISSION**

Councillors: Marion Bateman, Derek Butler, Carol Ellis, David Evans, Jim Falshaw, Ray Hughes, Richard Jones, Richard Lloyd, Ron Hampson, Mike Peers, Neville Phillips, Carolyn Thomas and Owen Thomas

Councillor Richard Jones sought clarification on the timing of the response from Welsh Government about the decision not being called-in. In response, the Chief Officer (Planning and Environment) said that he was aware the application had been referred to Welsh Government but that the response from them had not been received until after the start of this meeting. They had stated in their letter that it was felt that the proposal was 'not considered to be of more than of local interest'. The Democracy and Governance Manager said that WG applied a different test on whether to call in an application than the Council's test for referring it back to Committee as a significant departure from policy.

**RESOLVED:**

That planning permission be granted subject to a Section 106 Agreement and to the conditions to be agreed under agenda item 7.1 at this meeting.

107. **GENERAL MATTERS - FULL APPLICATION FOR A FOODSTORE (USE CLASS A1) AND 5 THREE BEDROOM AFFORDABLE HOUSES (USE CLASS C3) WITH ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING AT BROUGHTON SHOPPING PARK, BROUGHTON (052369)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that the report provided further information on the proposed conditions and Section 106 agreement or unilateral undertaking to be applied to the development. The times proposed by Aldi for opening hours and delivery times had been reduced by the officer following concerns from local residents. Insufficient detail about the existing landscape bund had been provided with the application so a condition had been included for a landscaping scheme to be submitted. The installation of an enhanced scheme of double glazing on the proposed dwellings was also included in the conditions.

Councillor Derek Butler proposed the recommendation to grant permission in accordance with the heads of terms and conditions set out in paragraphs 6.03 and 6.04 which was duly seconded. However, he felt that further conditions to transfer the bund to the neighbouring residents and for deciduous trees to alleviate the visual impact be included to address some of the concerns of the objector. The Housing & Planning Solicitor advised that a request for the transfer of land could not be conditioned and the Development Manager indicated that as part of condition 18 for submission of a landscaping scheme a suitable mix of evergreen species could be required.

Councillor Richard Jones suggested that the Local Member and/or adjacent Ward Member should be involved in any discussions about details of noise abatement schemes. The Development Manager confirmed that this could be undertaken.

In response to a query from Councillor Owen Thomas about the opening hours being restricted to 8pm, the Development Manager confirmed that this was an enforceable condition.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 or Unilateral undertaking covering the following contributions and requirements in respect of the five affordable dwellings:-



- i. contribution of £1,100 per dwelling in lieu of on-site open space provision for enhancements to open space provision in the locality
- ii. contribution of £12,257 for capacity improvements to Broughton Primary School which has less than 5% surplus spaces
- iii. clauses to ensure the dwellings are made affordable in perpetuity and are occupied in accordance with an approved allocations policy, to the immediate locality in the first instance

108. **OUTLINE APPLICATION - PROPOSED RE-DEVELOPMENT FOR THE ERECTION OF 12 DWELLINGS INCLUDING DEOLITION OF EXISTING OUTBUILDINGS AND CREATION OF NW ACCESS AT BANK FARM, LOWER MOUNTAIN ROAD, PENYFFORDD (052377)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting. Councillor Ray Hughes, having earlier declared an interest in the application, left the meeting prior to its discussion.

The Chief Officer (Planning and Environment) explained that for consistency with recent applications, the proposal had been assessed by an Independent Planning Consultant; his recommendation to approve the application was supported by the Chief Officer (Planning and Environment). He referred Members to paragraphs 7.06 and 7.07 where it was reported that a Direction remained in place directing the Council not to grant planning permission on application 050003 or "any development of the same kind as that which is the subject of that application on any site which forms part of, or includes the land to which that application relates". Therefore should the Committee grant approval of the application, it would have to be referred to Welsh Ministers under the Direction.

Mr. Rhys Davies, detailed the background to the report and highlighted paragraph 1.03 where the main issues for consideration in determining the application were reported. He highlighted the late observation on the issue of drainage and explained that a response had also been received from Mr. D. Parry who was the Chair of Penyffordd and Kinnerton Labour Group who felt that the proposal did not comply with policy. He detailed the responses received to the consultation exercise which were in section 3 of the report and highlighted the site history section where all applications on the site were detailed. Clwyd-Powys Archaeological Trust had asked that an additional condition be included that a photographic survey be carried out if the application was approved. Mr. Davies said that the applicant had indicated that there had been material changes since the 2005 refusal of the called-in application by Welsh Government particularly on the issue of sustainability as bus stops were now in place outside the site and a footpath was proposed to link the site to Penyffordd. Other factors included that the Council could not demonstrate a five year housing land supply and the site was now classified as previously developed land. Light industrial permission had been implemented which was not the case in 2005 so that was a significant material change since the previous refusal. He referred to Planning Policy Wales guidance about permitting sustainable developments which this site now was due to the provision of the bus stops, half hourly bus services and the proposed

footpath link to Penyffordd. Mr. Davies commented on an appeal decision in South Wales which was allowed for a site on the edge of a village which provided an idea of how policy for such sites was now viewed.

Mr. Davies also spoke of an additional change in the approval of the strategic business park at Warren Hall in Broughton which included provision for a cycle route; this was also a significant change since 2005. He highlighted paragraph 7.12 of the report about Meadowslea Hospital and also referred to the 4.1 year land supply (using the residual method) that the Council was deemed to have. Mr. Davies requested that a time limit of two years for the commencement of the development be imposed along with limiting the maximum number of properties on the site to 12 if the application was approved. He also referred to the light industrial/commercial use but said that there was no evidence to question the information provided that there was no market for such a use. In summary, he said that:-

- the site was not viable for light industrial use;
- the Council had a shortfall in the five year land supply;
- there had been a change to planning policy since the previous refusal in 2005
- the site was now classed as being in a sustainable location

He recommended approval of the proposal pending the call-in from Welsh Government.

The Democracy & Governance Manager confirmed with Mr. Davies that the three extra conditions being requested were:-

1. Photographic survey (as requested in the comments from Clwyd-Powys Archaeological Trust
2. Implement the decision within 2 years of approval
3. Limit the number of dwellings to 12

Mr. D. Parry spoke against the application. He said that the site was outside the settlement boundary, did not comply with planning policy and the Local Member for the Penyffordd ward was against the proposal. He said that the site could not be classed as previously developed land as no work had been undertaken on the site. He raised significant concern about whether there was need for more houses in the area and on the issue of the sustainability of the site, he said that the bus stops would have been provided outside the site anyway so could not be connected to the proposal.

Councillor Chris Bithell moved refusal of the application, against officer recommendation, which was duly seconded. He referred to the history of the site and said that the original application in 2000 was also for 12 dwellings, so in that respect, the proposal was the same. He felt that what was being proposed was a new hamlet in the open countryside which the Council's policies did not permit. Councillor Bithell spoke of the proposals for light industrial use on the site which would then allow the area to become brownfield land and raised concern that the report did not include any evidence of whether the site had been marketed for such uses. He felt that the comment that the site was now on a bus route was

not a material change as this service had been in place at the time of the 2005 refusal decision.

Councillor Gareth Roberts spoke of other sites which had bus stops and footpaths in the locality but said that this did not make them sustainable. He felt that the application should be refused and tested on appeal as if it was permitted, it could result in similar proposals in the open countryside. He added that as the site was outside the settlement boundary, it could not be classed as brownfield land. He queried how landbanking could be prevented and said that it was not appropriate to allow an application just because the site was untidy. He felt that a condition to restrict to 12 dwellings could not be imposed and that based on the Council's guidelines of 30 dwellings per hectare, upto 27 properties could be built on the site. Councillor Roberts said that if the application was approved, it would throw the UDP into confusion and he raised concern about the 4.1 year land supply when in fact the Council had approximately 14.2 years supply if the past completions method of calculation was used.

Councillor Owen Thomas felt that the report of the officer indicated that the application complied with policy and should therefore not be refused. He added that this was an opportunity to add 12 houses to the 4.1 year land supply for the County.

Councillor Derek Butler felt that the report contained red herrings particularly on the issue of the Meadowslea Hospital site which he felt this proposal could not be compared to. He concurred that the bus service was in place in 2005 and that the issue of Warren Hall Business Park should not be considered when determining this application. He felt that there were no policy reasons to permit the application and he referred to lack of evidence about the light industrial use of the site.

Councillor Richard Jones said that the site was outside the settlement boundary but was not in the open countryside and as it was now sustainable, accessible and was a previously developed site, it should be permitted. There were bus stops now outside the site and Councillor Jones did not feel that the proposal would create a new hamlet. The site would be linked by a footpath to the village of Penyffordd and complied with policies. Councillor Mike Peers said that the site was located in the Kinnerton Ward, not Penyffordd as earlier stated, and the Local Member was in favour of the proposal. He felt that the report was factual, highlighted paragraphs 7.11 and 7.12 and commented on the need to consider the site as sustainable which was different from the application in 2005. The site was not in the open countryside and was acceptable in planning policy terms.

Councillor Ron Hampson said that the common sense approach was to approve the application. He referred to its close proximity to the former White Lion public house development and said that the proposal for 12 houses was acceptable. Councillor Carolyn Thomas felt that an affordable housing element had not been explored in the report. She queried what policies needed to be applied to the development which had been referred to as a new hamlet in the countryside. She also felt that the sustainability of the bus stops near the site should not form part of the planning consideration as they could be removed at any time. Councillor Carol Ellis commented on the references to Meadowslea

hospital and the proposals that the bed places as a result of the closure would be split between Wrexham and Deeside hospitals; both wards had since been closed, so she felt that the proposal had not benefitted local people. She added that the application should be approved.

In response to a comment by Councillor Roberts about whether all sites within a one mile distance of a village would be permitted, Mr. Davies spoke of the interpretation in Planning Policy Wales guidance used by an appeal inspector on a specific application that a one mile walk with a footpath from one site to another was acceptable. In referring to comments made by the Planning Inspector during the Meadowlea hospital application process that the site was “in and around the settlement boundary”, Mr. Davies had felt that even though the site was not within the settlement boundary, it was sustainable because of the bus stops and proposed footpath. The site was now previously developed land and was sustainable which he reiterated was different to the 2005 application. He did not have any evidence that the bus stops would be removed and felt that the investment in the new bus stops was an indicator that the route was a key route that was not under threat. With reference to the trigger in the UDP for affordable housing, the threshold was 25 dwellings or a site of 1 hectare; neither of these factors applied to this proposal. He commented on the evidence provided on the marketing of the site and he confirmed his earlier comment that the site was previously developed land.

In summing up, Councillor Bithell felt that the brownfield designation did not apply to this site and that the information that the site had been used for light industrial use was questionable. It had not been proved or demonstrated that the site had been marketed and the building did not have any architectural merit. He felt that approval would create a new hamlet in the countryside and should therefore be refused.

Councillor Gareth Roberts requested a recorded vote but was not supported by the requisite five other Members.

On being put to the vote, the proposal to refuse the application was LOST. Councillors Gareth Roberts and Chris Bithell asked that it be recorded in the minutes that they had voted for refusal of the proposal.

The Chief Officer (Planning and Environment) reminded the Committee that the application would be referred to Welsh Ministers under the Direction.

## **RESOLVED**

That planning permission be granted subject to:-

- the conditions detailed in the report of the Chief Officer (Planning and Environment),
- the three additional conditions requested by the Independent Planning Consultant (photographic survey, limit number of dwellings to 12 and implement permission within 2 years of approval)
- the completion of a Section 106 Obligation to cover the payment of commuted sums in respect of Education Provision (in accordance with the provisions of SPG 23), on site play provision (in accordance with the

- provisions of LPG 13) and the construction of a footpath link between the site and the village of Penyffordd
- the application being referred to Welsh Government under the Direction.

**After the vote had been taken, Councillor Hughes returned to the meeting and the Chairman advised him of the decision.**

109. **FULL APPLICATION - RESIDENTIAL DEVELOPMENT TO PROVIDE 10 NO. TWO BEDROOM APARTMENTS AND 4 NO. ONE BEDROOM APARTMENTS AND ASSOCIATED PARKING AT NEW INN, STATION ROAD, SANDYCROFT(052570)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 15 December 2014. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report explaining that the application had been deferred from the 12<sup>th</sup> November 2014 meeting in order for a site visit to be undertaken and to obtain comments from Welsh Water. She referred the Committee to a number of late observations that had been received which included objections on the grounds of the 3 storey buildings being higher than the current dwellings in the area, whether the properties would be connected to a septic tank system and whether the New Inn was a listed building. A petition of 218 signatures objecting to the proposal had also been received. In response, the officer confirmed that the building was not listed. Welsh Water had provided a sewer plan and the applicant's agent had indicated that discussions with Welsh Water were being undertaken about connecting to the mains or a private treatment plant would be installed if this was not feasible. The apartments would be in two blocks of two and three storey and because the site was within Zone C1, the proposals indicated that the ground floor of the development would be used solely for vehicle parking. In response to a query from Queensferry Community Council about access to Boughton Brook, Natural Resources Wales (NRW) had provided a plan of how they could gain pedestrian and vehicular access when needed and had asked for an additional condition that access for NRW maintenance operatives to Boughton Brook be maintained in the future.

Mrs. S. Stevens spoke against the proposal as she felt it did not comply with Local Planning Guidance note 2 on Space around dwellings as the separation distances should be over 22 metres, which they were not. The guidance did not relate to three storey properties but did cover differing height levels which indicated that the distances should be a minimum of 27 metres which would not be achieved. She raised concern at the overlooking aspect from the living rooms on the first and second floors which would have an impact on the amenity and the building would overshadow the gardens of existing properties. Mrs. Stevens felt that adequate screening could not be provided and that the proposals were not in keeping with the character of the area. The drainage issues had not been resolved and the installation of a private treatment plant would not address the concerns raised. She suggested that two storey buildings would reduce the impact on the area and added that there were no other three storey dwellings in the village.

Mr. E. Roberts, the agent for the applicant, spoke in support of the application. He felt that the proposal complied with all of the relevant planning policies including space around dwelling guidance and no objections had been received from statutory consultees. The concerns that had been raised about the flood risk area had been addressed. He referred to the lack of a five year supply stating a specific need for 1 and 2 bed homes, which would benefit local people and meet demand from Broughton Park and Airbus.

Councillor Derek Butler proposed refusal of the application against officer recommendation which was duly seconded. Whilst he was not against the development in principle he felt that the middle section of the proposal was out of character with the area and that two storey buildings would be more in keeping.

Councillor Mike Peers was not in favour of the application in its current form and raised concern at the overlooking into neighbouring properties from the second floor of the building because of the design which included ground level parking. He suggested that a dormer roof with velux windows would resolve some of the issues raised and said that he was not against the principle of development on the site but disagreed with the current proposals on the grounds of overlooking and the impact on the area. Councillor Chris Bithell raised concern at the comments in paragraph 7.14 that residents could be trapped in the upper floors in the event of a flood. Councillor Richard Lloyd concurred that the proposals were not in keeping with the area and would result in properties of differing heights to existing dwellings. He also agreed that space around dwellings was insufficient due to the height of the proposed building.

In referring to paragraph 7.10, Councillor Richard Jones queried whether the properties should be built in flood zone C1 as he did not feel that it had been demonstrated that they had been justified in relation to TAN 15. He added that three storey dwellings were out of keeping with the area.

In response to the comments made, the officer commented on the impact on the character of the area. It was reported that the three storey element would not be out of character with the overall streetscene because of the varying roof heights in the area. She provided details on the pedestrian and vehicular access to Boughton Brook requested by NRW. She also explained that because of the angle of the building to existing properties, the separation distance at the furthest point was 34 metres with only a small part of the development only achieving 23 metres, so it was considered that the distances adequately addressed the concerns raised about amenity and overlooking.

In summing up, Councillor Butler said that his reasons for refusal were that the proposal was out of character with the streetscene, and because of issues relating to height, flooding and impact on the amenity of existing residents.

**RESOLVED:**

That planning permission be refused on the grounds of the proposal being out of character with the streetscene, overdevelopment in terms of height and its impact on amenity, and flood risk issues.

110. **FULL APPLICATION - CHANGE OF USE OF THE SUNDAWN GARDEN CENTRE TO A PLANT HIRE DEPOT, INCLUDING THE DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS, THE ERECTION OF A WORKSHOP BUILDING AND THE CONVERSION OF THE TEAPOT CAFE FOR USE AS ANCILLARY OFFICE ACCOMMODATION AT TEAPOT CAFE & SUNDAWN GARDEN CENTRE, LLWYBR HIR, CAERWYS (052645)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 15 December 2014. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and in referring Members to the late observations, explained that Natural Resources Wales had withdrawn their objection and therefore the reason for refusal in paragraph 2.02 should be omitted.

Mrs. L. Dainty spoke against the application. She felt that the proposal would not enhance or harmonise with the area and would be more appropriate in an industrial area. It would be out of character and screening would not address the concerns that it would impact on the visual amenity of the area. It was felt that the amenity of the residents would be affected because of the opening hours and the noise that the business would create. She said that traffic leaving the site would not be able to rejoin the A55 westerly direction without either going to junction 29 on the easterly side to rejoin the A55 or by using a small country lane and crossing a bridge. This was a cause for concern along with the design of junction 29 which would require improvements for heavy goods vehicles to access.

Mrs. J. Coxon, the agent for the applicant, spoke in support of the application. She said that the site, which was enclosed on three sides with the fourth side being the A55, was currently a garden centre and café. The proposal would allow an existing business to expand and would create eight new jobs. Mrs. Coxon said that the site would be screened off from public view, would not have an impact on residential amenity or highway safety and complied with Policy EM4. The concerns of NRW had been addressed and the proposal would significantly reduce the number of vehicle movements when compared with the current use.

Councillor Jim Falshaw proposed approval of the application, against officer recommendation, which was duly seconded. He felt that the proposal would safeguard the future of the site and would allow the business to expand. The site had been marketed since 2011 but there had been little interest in continuing the business as a café and garden centre. The existing café building would be used as an office and the proposed building for this scheme would be on a smaller footprint than the existing garden centre. The site was 2.3 metres from the Area of Outstanding Natural Beauty (AONB) but would not have an effect on the AONB. The scheme had been designed to ensure that concerns about potential contamination run off had been addressed.

The Chairman advised Councillor Falshaw that as he had predetermined his position on the application and confirmed that he would not vote on the application, although he could speak as Local Member he could not move a proposition. He then sought a further proposal.

Councillor Chris Bithell proposed the recommendation of refusal which was duly seconded. He said that the proposal did not lend itself to this location and would be more suited in an industrial setting and that the land could not be classed as a brownfield site. The site could not be screened, particularly from the A55 and the proposal would result in an industrial building in the open countryside which was not acceptable.

Councillor Gareth Roberts said that the current use of the site was appropriate but the proposal before the committee today was not. The site would be visible from the AONB which was a material consideration and he concurred with the earlier comments about the difficulty of joining the A55 in a westerly direction.

Councillor Owen Thomas felt that there would not be an issue with the height of any proposed new building if the current building was removed and replaced. He felt that the access was ideal access to the A55 as vehicles could use a nearby road to cross the bridge over the A55 near to junction 29. He added that the current business use was no longer viable and that in his opinion, it was an ideal site for the proposed purpose.

Councillor Richard Jones agreed that the application should be refused but felt that it was a brownfield site and did not comply with Policy EM4 because it was not in keeping with its immediate surroundings. Councillor David Cox spoke about the egress of the site and concurred that re-joining the westerly direction of the A55 would be a problem. He said that the road and bridge referred to by Councillor Thomas were narrow and would be difficult for larger vehicles to use. He agreed that the proposal would be more appropriate in an industrial setting.

In response to the comments made, the officer highlighted paragraph 7.13 where the details of Policy EM4 were reported. The proposal did not meet the policy, particularly on the issue of highways and what was proposed was a more industrial style building compared to what was currently in place and would be out of character with the area.

The Development Manager added that paragraph 7.12 reported that as the application site had an established existing lawful use as a garden centre, the area could be considered as brownfield land.

**RESOLVED:**

That planning permission be refused for the reasons detailed in paragraph 2.01 of the report of the Chief Officer (Planning and Environment).

111. **FULL APPLICATION - ERECTION OF OFFICE (B1) AND STORAGE (B8) BUILDING WITH ASSOCIATED LANDSCAPING AND PARKING AT VISTA, ST. DAVID'S PARK, EWLOE (052803)**



The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and referred Members to the late observations where two additional conditions on landscaping were included. He spoke of the main issues to consider which included the highway and wildlife implications and the effects upon the character and appearance of the area. The proposed two access points were considered acceptable and the car parking provision was in accordance with the maximum standards in the Local Planning Guidance. However there was a shortfall of nine in the number of places compared to the proposed number of employees and a travel plan had been requested as a condition if the application was approved, which would force the operator to consider other means of transport.

Mr. C. Sparrow spoke in support of the application and said that the land had been purchased due to the rapidly expanding business. The building would be designed to create a modern comfortable building and local labour would be used during the construction of the building. He referred to proposals for green travel plans and in noting the condition requested in the late observations, said that it was anticipated that employees would park on the site but he hoped that they would not be restricted from parking elsewhere if needed.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that there were no grounds to refuse the application but raised concern about the parking problems in the area. He felt that the production of a travel plan was a pointless exercise and suggested that future developers on the site consider parking underneath the building. Councillor Richard Jones welcomed the proposal but concurred with Councillor Bithell about the problems of parking.

The Chairman exercised his discretion to allow the Local Member, Councillor David Mackie, to speak on the proposal. Councillor Mackie felt that the parking situation in the whole area would get worse in the future and asked Members to include the condition that vehicles of users of the building must park within the site.

Councillor Mike Peers said that there was a need to be satisfied that the users of the building did not park their vehicles on the road which would add to the already difficult parking problems. The number of spaces provided in the proposal was insufficient for the proposed number of employees and Councillor Peers therefore welcomed the suggestion for an additional condition. Councillor Richard Jones felt that the condition would not be enforceable and referred to the Section 106 for the payment of £4000 towards the consultation and making of a traffic regulation order to restrict on-street parking, which he felt would help to reduce the problem.

In response to the comments made, the officer said that the travel plan would be monitored and could be enforced unlike the condition proposed by Councillor Mackie. The Senior Engineer - Highways Development Control

reminded Members that the number of parking spaces was based on the floor area of the building and not the proposed number of employees. The Development Manager said that the parking provision did meet the Council's standards and referred to a recent application on adjoining land which had also included less parking spaces than the number of employees. If this was of concern to Members he suggested that condition 16 could be amended to include the provision of appropriate on-site parking for employees.

Councillor Marion Bateman felt that there was an opportunity within the Local Development Plan (LDP) to look at individual sites and consider providing a 'Park and Ride' service.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), with condition 16 being amended to include the provision of appropriate on-site parking for employees, and subject to the applicant entering into a Section 106 Obligation or Unilateral Undertaking to secure the following:-

- Ensure the payment of £4,000 towards the Authority's costs of consultation and making of a traffic regulation order to restrict on-street parking

112. **RENEWAL OF OUTLINE PLANNING PERMISSION 046362 TO ALLOW RESIDENTIAL DEVELOPMENT AT FORMER LAURA ASHLEY UNIT, PONTYBODKIN HILL, LEESWOOD (052599)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting. Councillor Ray Hughes, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and referred Members to the late observations where amendments to the agenda front sheet and conditions were reported. He explained that this was the third renewal of outline planning permission application since 2003 and it was considered that the site could potentially accommodate 15 dwellings. It was recommended that the timescale for the submission of a reserved matters application be restricted to 12 months (to the end of December 2015) to coincide with the end of the Unitary Development Plan (UDP) lifespan.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that there was no reason to refuse the application but raised concern about the comments in paragraph 7.07 about other candidate site submissions coming forward within Leeswood and Coed Talon as part of the Local Development Plan (LDP) process. He also suggested that the time limit for submission of a reserved matters application should be five years and not the 12 months suggested by the officer.

Councillor Carolyn Thomas sought clarification on the educational contributions for Castell Alun High School. She felt that circumstances for places in the high school and Leeswood County Primary School could change up to the time of development and asked that the educational contribution be amended to cover both schools depending on surplus places when the development commenced. She also asked whether a policy change could be considered.

Councillor Mike Peers referred to paragraph 7.08 and the suggested number of dwellings that the site could accommodate based on the Council's guideline of a minimum of 30 dwellings per hectare. He also felt that the end date for the submission of a reserved matters application which was shown in paragraph 8.01 should also be included in the conditions detailed in the report.

In response to the comments made, the officer said that the site was vacant and in a derelict condition. This was the third application for renewal of outline permission and because the Council did not have a five year housing land supply, a 12 month deadline for submission of a reserved matters application was reasonable. It was felt that this could encourage the applicant to progress with the site but if it was not going to come forward then alternative sites in the area could be considered in the LDP. On the issue of educational contributions, it had been calculated that there was capacity at Leeswood Primary School and therefore this had not been included in the section 106 obligation. The officer confirmed that the condition for the time limit for submission of a reserved matters application should be up to the end of 2015.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) which includes the deletion of condition 7, and subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £55,407 towards additional secondary school places/improvements of Castell Alun High School, Hope and a commuted sum of £16,500 towards the enhancement of an existing recreational area within Leeswood.

**After the vote had been taken, Councillor Hughes returned to the meeting and the Chairman advised him of the decision.**

113. **FULL APPLICATION - ERECTION OF 4 DWELLINGS. (I) SUBSTITUTION OF HOUSE TYPE ON PREVIOUSLY APPROVED PHASE 1 PLOT 38; (II) SUBSTITUTION OF SUB-STATION WITH ADDITIONAL DWELLINGS; (III) ERECTION OF 2 DWELLINGS (RE-PLAN OF PLOTS 19 & 20 PHASE 2) AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL (052406)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that the proposal, for four bedrooed properties, was for:-

- i. the substitution of house type on previously approved Phase 1 plot 38
- ii. substitution of sub-station with additional dwelling
- iii. erection of 2 dwellings (re-plan of plots 19 and 20 Phase 2).

There were adequate separation distances between the existing and proposed dwellings and no objections had been received to the proposals.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a supplementary Section 106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions as required by 048855 and 052388.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

114. **REMOVAL OF CONDITION NO. 6 ATTACHED TO PLANNING PERMISSION REF: 048032 AS AMENDED BY PLANNING PERMISSION REF: 030805 AT OVERLEA DRIVE, HAWWARDEN (052429)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that it had been deferred from the meeting on 12<sup>th</sup> November 2014 to allow advice to be provided by Dwr Cymu/Welsh Water in relation to the upgrade works that were presently being undertaken. The information had been sought and had been summarised within paragraph 7.08 of the report.

Councillor David Mackie spoke against the proposal on behalf of Hawarden Community Council to express their concerns about future drainage problems in the Mancot and Pentre areas if the condition was removed.

Councillor Derek Butler proposed the recommendation to delete Condition 6 in its entirety which was duly seconded.

The Local Member, Councillor Clive Carver, spoke against the proposal to remove the condition. He explained that at the Planning Committee meeting on 12<sup>th</sup> November 2014, he had stressed the fact that the Planning Inspector, who had introduced himself as a Civil Engineer with experience in drainage, had been explicit in his Condition 6. It stated that no development should commence until a scheme of improvement to the off-site drainage in Mancot Lane had been

submitted to and approved in writing by the local planning authority. Councillor Carver felt that removal of Condition 6 at this stage was premature as the required works had not been completed and he added that to date, 17 dwellings on the site were occupied which was in breach of Condition 6. He had discussed the issue with Planning officers in July 2014 and was told that Welsh Water had confirmed that they would not have any concerns regarding potentially overloading the existing system if no more than ten properties were connected to the drainage system. However, Welsh Water had now advised that they would manage potential flooding issues during construction works by undertaking over pumping of flows to regulate flows within the system (this was reported at paragraph 7.08). Councillor Carver felt that Redrow wanted the condition removing so that they would not continue to breach it even though the requirements had not been met. He also referred to a resident in Saltney who had breached a planning condition in relation to the height of a fence and had been ordered to pay costs as well as being a conditional discharge and compared this to Redrow appearing to be breaching the condition without any penalties. He felt that consistency on this issue was important.

Councillor Mike Peers felt that part of the reason for deferral, which was to ask Welsh Water what would happen if the works were not completed by 31<sup>st</sup> March 2015, had not been responded to. However, it was reported in paragraph 7.08 (e) that the works would be completed by early February 2015. He felt that the condition should not be removed until the works had been undertaken due to grave concerns that had been expressed and proposed an amendment to the proposal that the condition remain in place until confirmation was received that the works had been completed.

In response to the comment from Councillor Carver about the breach of planning conditions relating to a fence in Saltney, Councillor Richard Lloyd clarified that the issue did not relate to the height of the fence but to the fact that the fence had been erected without permission.

The officer explained that the condition imposed by the Planning Inspector had been suggested by Welsh Water as the statutory undertaker. Agreement had been reached between the developer and Welsh Water that the scheme of off-site works would be undertaken in advance of the commencement of the development of the site. Welsh Water had programmed this part of the upgrade scheme to be carried out alongside another unrelated piece of system upgrade works; it was anticipated that this would be completed by March 2015. However, the outstanding works which were the subject of this condition were intended to be completed earlier than this and therefore Welsh Water did not have any objection to the removal of the condition as the need for it was no longer in existence.

In response to a comment by the Chief Officer (Planning and Environment) that non-compliance of the condition would not result in any harm, Councillor Peers suggested that there would also not be any harm to leave the condition in place. The officer felt that to retain the condition could be seen as unreasonable behaviour.

**RESOLVED:**

That planning permission 048032, as amended by permission 050805 be amended by the deletion of Condition 6 in its entirety.

115. **GENERAL MATTERS - PROPOSED AMENDMENT TO SECTION 106 AGREEMENT - MORRISON'S SUPERMARKET, HIGH STREET, SALTNEY (045999)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application.

The Development Manager detailed the background to the report explaining that part of the Section 106 Agreement following granting of planning permission in August 2009 required Morrisons to transfer a plot of land to the Council for the erection of a new library building to serve Saltney. The agreement required the land to be transferred back to Morrisons if the library building had not been built within seven years of the date of the permission. The report sought agreement to renegotiate the Section 106 Agreement with Morrisons to allow the land to be retained by the Council beyond the August 2016 cut-off providing that it was used for some benefit of the Community. A meeting had taken place about a prospective use and the Town Council had suggested a memorial garden.

Councillor Richard Lloyd proposed the recommendation in the report which was duly seconded. He queried who would pay for the transfer and maintenance of the land and suggested that a First World War commemorative bench be included in the proposed Memorial Garden. The Development Manager responded that details of payment could be discussed with Morrisons.

**RESOLVED:**

That the Chief Officer (Planning and Environment) be given delegated authority to re-negotiate the clause within the existing Section 106 Agreement entered into in connection with planning permission ref. 045999, to allow the land to be developed for community use (subject to the relevant planning permission being obtained).

116. **APPEAL BY NOTEMACHINE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE INSTALLATION OF AN ATM AT 18 HIGH STREET, MOLD - DISMISSED (051948)**

**RESOLVED:**

That the decision of the Inspector to dismiss this appeal be noted.

117. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

That the press and public be excluded from the meeting for the following agenda item which was considered to be exempt by virtue of paragraph 16 of Schedule 12A of the Local Government Act 1972 (as amended).

118. **APPEAL BY ANWYL CONSTRUCTION COMPANY LIMITED IN RESPECT OF LAND AT OLD HALL ROAD/GREEN HILL AVENUE, HAWARDEN**

The Housing & Planning Solicitor introduced the report to update and advise the Committee in light of advice received from the Local Planning Authority's Barrister.

Councillor Richard Jones proposed the recommendation in the report which was duly seconded.

**RESOLVED:**

That in light of legal advice, the Local Planning Authority should proceed on the basis of the recommendation contained in the officer's report.

119. **MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were 30 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 5.24 pm)

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**Chairman**